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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-001

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 131.02 (37m), the second sentence of the definition of “readiness monitors” or “readiness codes” is substance, which should be placed in the main body of the rule. Also, why are two different terms given the same meaning? If they indeed mean the same thing, then one term should be chosen and used in the rule.

b. It needs to be made more clear that s. Trans 131.03 (6) (a) to (c) apply to one set of vehicles and s. Trans 131.03 (6) (d) applies to a separate set of vehicles. This might be done most clearly by numbering the new par. (d) as a separate subsection (sub. (6m)). If this is done, it would be appropriate to change the title of sub. (6) and add an introductory provision specifying the vehicles to which it applies and creating a parallel introductory provision in sub. (6m). In addition, it appears that sub. (4) is unnecessary and could be repealed, rather than expanding it to refer to OBD inspections.

c. Section Trans 131.03 (11) (o) should begin with the phrase: “Vehicles subject to the OBD inspection under sub. (6) (d)”

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section Trans 131.03 (6) (d) 2. refers to vehicles exempt from inspection by the U.S. Environmental Protection Agency. What exemptions does this refer to? Could the exemptions be specified by cross-reference? Also, in subd. 1., the notation prior to “85.2222” should be “s.”

b. It appears that the reference to “s. Trans 131.03 (6)” in s. Trans 131.03 (6) (d) 3. should refer to “par. (b).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The “D” in “OBD” stands for “diagnostic”; therefore, the word “diagnostic” in the term “OBD diagnostic inspection” is redundant. The term should simply be “OBD inspection.”

b. In s. Trans 131.03 (6) (d) 4., a comma should be inserted after the phrase “monitors in question.”